

Amendment in response to
August 28, 2006 Office action

Atty Dkt No.: 2003P19276US
Serial No.: 10/812,553

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REMARKS

Claims 1 – 26 remain in the application and stand rejected. Claims 11 and 20 are amended herein. Although this amendment is being timely filed, the Commissioner is authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claim 11 is amended to further recite that the server includes “a rules based engine ... monitoring said location and presence status for said plurality of communications devices and providing said identity context reminder service.” Claim 20 is amended to better recite the invention. This amendment to claims 11 and 20 is supported in the specification on page 4, lines 18 – 20 and is neither shown, nor suggested by any reference of record. No new matter is added.

Claims 1 – 26 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,484,033 to Murray. The rejection is respectfully traversed.

Murray teaches a wireless communications system 10 with a server event management application 82 running on an application server 76 managing user schedules for device users. Col. 6, lines 15 – 17. Murray also teaches wireless communications devices 32, 42, 47 handle scheduling decisions. *Id.*, lines 44 – 48, *and see*, Figs. 2 – 3 and col. 6, line 48 – col. 8, line 60. The application server 76 monitors stored event information and only the scheduled occurrence of an upcoming event (i.e., in anticipation of the event or the actual occurrence of the event) causes or the application server 76 to take action. Col. 10, lines 24 – 67. Unless an event is scheduled to occur in the near future, however, the application server 76 takes no action.

By contrast, as recited in claim 1, for example, the “identity context reminder service [monitors] location and presence status for ... [each of the] communications devices” which is compared with expected “location and presence status for inconsistencies” that may trigger “a reminder to respective communications device ” at lines 6 – 10, and see, claims 12 (step b), 16

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(lines 7 – 8), 20 (lines 9 – 11) and 24 (step b). So, instead of prospectively monitoring a stored schedule as taught in Murray, the present invention monitors the current location and presence of the devices. If a device is not where it is expected to be (e.g., the current location and presence status doesn't match the most recent (retrospectively) event), then the identity context reminder service sends an update notification. This is quite different than the Murray wireless communications system waiting for the occurrence of events before taking action. Therefore, Murray fails to teach and does not suggest the present invention as recited in claims 1, 12, 16, 20 and 24. Reconsideration and withdrawal of the rejection of claims 1, 12, 16, 20 and 24 under 35 U.S.C. §102(b) is respectfully requested.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 which depend from claims 1, 12, 16, 20 and 24 are not taught or suggested by Murray. Reconsideration and withdrawal of the rejection of claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 under 35 U.S.C. §102(b) is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner reconsider and withdraw the rejection of 1 – 26 under 35 U.S.C. §102(b) and allow the application to issue.

The applicant further notes that MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

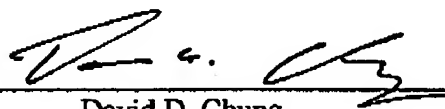
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(emphasis added.) The applicant believes that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney by telephone at 408-492-5336 for a telephonic interview to discuss any other changes.

Respectfully submitted,

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(Date)


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